

XINGFEI LUO
PO BOX 4886,
El Monte, CA 91734

Petitioner in Pro Se

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

XINGFEI LUO,

Petitioner,

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA

Respondent.

No. 8:22-CV-01640-MEMF-KES

**RENEWED MOTION FOR COURT
APPOINTED COUNSEL**

TO THE COURT AND TO RESPONDENT AND ITS COUNSEL OF RECORD:
Xingfei Luo (Petitioner) respectfully submits the following renewed motion for
court appointed counsel:

I. PROCEDURAL HISTORY

On September 6, 2022 Petitioner moved for appointment of counsel (ECF 7) while
filing her Petition for Writ of Habeas Corpus (ECF 1).

On December 20, 2022 the Court denied Petitioner's initial motion for court
appointed counsel without prejudice. ECF 18.

II. FACTUAL BACKGROUND

After marrying a woman (Hanh Le) who is ten years older than him, Tomas

1 Czodor (Czodor), concealed his marriage and tried to meet young women online. ECF 4,
2 pp. 97-98. Before knowing Petitioner's name and meeting Petitioner in person, in August
3 2018, Czodor proudly told Petitioner that he was raised as a nudist. Right after meeting
4 Petitioner just once, while Petitioner still did not tell him her name, Czodor unsolicitedly
5 sent Petitioner his nude photos and invited Petitioner to a nudist ranch. ECF 6, p. 153. After
6 two gatherings, Czodor ghosted Petitioner. Petitioner, unaware of Czodor's marriage,
7 went to Czodor's residence for answer on September 18, 2018. ECF 6, p. 155.

8 On the night the vandalism is said to have been committed, despite the light in
9 front of Czodor's door was brightly lit (ECF 6, p. 159), and despite Czodor allegedly told
10 Petitioner to stop scratching his door, the 911 call record shows no mention of any
11 scratching or property damage. Compare ECF 6, p. 155 and ECF 6, p. 201. Nevertheless,
12 Czodor testified that he did not and could not discover his front door was damaged on
13 September 18, 2018 because it was dark. ECF 6, p. 171.

14 Despite the photo, taken and provided by Czodor, shows little to no damages (ECF
15 6, p. 175), Czodor attested, under the penalty of perjury, that Petitioner **scratched his**
16 **front door for 20 minutes and did not stop after he told her to.** Luo Decl., ¶ 2. If
17 Czodor were able to tell Petitioner to stop scratching his door on the spot, he could have
18 been able to tell the 911 operator that Petitioner scratched his door. If Czodor were able to
19 tell Petitioner to stop scratching his door on the spot, he could have been able to discover
20 his door was damaged right away on the same night. If Czodor were able to tell Petitioner
21 to stop scratching his door on the spot, he could have been able to snap a photo of
22 Petitioner standing next to his damaged door. If Czodor were able to tell Petitioner to stop
23 scratching his door on the spot, he wouldn't have committed perjury falsely alleging that
24 he did not and could not discover the damage on September 18, 2018 because it was dark.

25 On September 26, 2018, eight days after Petitioner left Czodor's residence, Czodor
26 reported the alleged vandalism and distribution of his nude photos. ECF 6, pp. 177-178.
27 Despite during the entire time on September 18, 2023 when Petitioner was in front of
28 Czodor's residence, Czodor had free access to his phone, making 911 call (ECF 6, p. 201),

1 taking photos and shooting videos (ECF 6, pp. 159-163), no photos or videos show that
2 Petitioner was actually scratching Czodor's door, no photos or videos of Petitioner with
3 Czodor's damaged door were provided, no photos or videos show that Petitioner was
4 standing next to Czodor's damaged door, despite Petitioner allegedly scratched Czodor's
5 door for 20 minutes. Luo Decl., ¶ 2.

6 On September 10, 2018, after Petitioner allegedly threatened Czodor to distribute
7 his nude photos, Czodor in fact made contact with the police but made no mention of
8 Petitioner or any nude photos. ECF 6, p. 200. Despite all communication between
9 Petitioner and Czodor was made through text messages, not a single message shows that
10 Petitioner asked for Czodor's nude photos, not a single message shows that Czodor
11 requested Petitioner to keep his nude photos private, not a single message shows that
12 Petitioner made any promise to keep his nude photos private before Czodor unsolicitedly
13 sent Petitioner his nude photos. Nevertheless, Czodor – a married man deliberately
14 concealing his marriage – sent his nude photos to Petitioner, a woman who never told him
15 her name and met him just once, a woman who was not better than a stranger.

16 No officers ever saw Czodor's damaged door or nude photos online. No officers
17 ever took any photos of the damaged property. No officers ever checked or examined
18 Czodor's phone to see whether Czodor provided accurate and all relevant messages,
19 photos and videos. No officers ever checked or examined Czodor's phone to see whether
20 Czodor sent his nude photos to multiple people. No officers ever verified whether
21 Czodor's story was taken out of context. No officers ever interviewed any of Czodor's
22 friends, customers, or wife. No officers ever indeed went out and collect evidence. No
23 officers ever performed any meaningful investigation. Anything coming out from
24 Czodor's mouth was taken as true at face value. All "evidence" was in fact produced and
25 provided by Czodor himself, in the form of a stack of paper, despite modern technology
26 was readily available in 2018 and 2019 to the police. In effect, Czodor played the dual
27 roles both as a police officer and complaining witness.

28 Six attorneys from the office of public defender cycled through Petitioner's case,

1 none of them did any investigation, none of them ever explained to Petitioner about her
 2 constitutional rights, none of them ever tried to bring the case to trial at a meaningful time
 3 and in a meaningful manner, none of them ever meaningfully discussed the case or
 4 strategy with Petitioner, none of them asked for Petitioner's consent or authority to sign a
 5 stipulation with prosecution, none of them was able to expose Czodor's perjury and fraud,
 6 none of them ever tried to attack the integrity of police work. Petitioner was astonished at
 7 trial by her trial counsel's performance. Naturally, Petitioner was convicted of all counts
 8 she was charged.

9 After Petitioner's conviction, Czodor demanded \$51,000 to remove 25 webpages
 10 that don't even exist or aren't viewable. ECF 20, pp. 15-16. Despite each year between
 11 2014 and 2019, Czodor (a self-employed individual) reported to IRS that his net profit¹
 12 was ranging only between \$5,000 and \$10,000 per year (ECF 6. pp. 141, 143, 145, 147,
 13 149, 151), he concealed his net profit information² when requesting restitution and
 14 demanded \$26,496³ to compensate his income loss in 2018 and 2019, apparently for the
 15 purposes to make a windfall. Based on Czodor's net profit each year, he was in fact as
 16 poor as a church mouse. However, this church mouse was capable of staging crimes and
 17

18 ¹ An employee ordinarily agrees to work for, and receives, a set wage or salary. His wages are not directly affected
 19 by the net income of the employer. In contrast, the self-employed person operating a "business" has no more income
 20 available than the net income of the "business" after paying necessary expenses of the "business." For instance, a
 21 person who sold \$10,000 worth of merchandise with a wholesale cost of \$5,000 and who had **out-of-pocket**
 22 **business-related expenses** of \$2,000 would only have \$3,000 in **actual available earnings**. If the income loss was
 23 based on gross revenue of \$5,000 rather than **net earnings** of \$3,000, the person would be awarded a windfall of
 24 \$2,000 he would not have received if he had worked. Damage awards in injury to business cases are based on net
 25 profits. (See, e.g., *Kuffel v. Seaside Oil Co.* (1970) 11 Cal.App.3d 354, 366 [90 Cal.Rptr. 209] ["It is fundamental that
 26 in awarding damages for the loss of profits, net profits, not gross profits, are the proper measure of recovery"].) "Net
 27 profits are the gains made from sales 'after deducting the value of the labor, materials, rents, and all expenses,
 28 together with the interest of the capital employed.' [Citation.]" [Citations.]" (See *Kids' Universe v. In2Labs* (2002) 95
 Cal.App.4th 870, 884 [116 Cal.Rptr.2d 158] (*Kids' Universe*). "Lost anticipated profits cannot be recovered if it is
 uncertain whether any profit would have been derived at all from the proposed undertaking. But lost prospective net
 profits may be recovered if the evidence shows, with reasonable certainty, both their occurrence and extent.
 [Citation.] It is enough to demonstrate a reasonable probability that profits would have been earned except for the
 defendant's conduct. [Citations.] Moreover, . . . a plaintiff is 'not required to establish the amount of its damages with
 absolute precision. . . . [Citation.]' [Citations.]" (*Kids' Universe*, supra, 95 Cal.App.4th at 1181 pp. 883-884.) Not
 only Czodor did not establish income loss, he did not establish any certainty of his income.

² Petitioner's court appointed counsel discovered Czodor's net profit by subpoenaing California Franchise Tax Board.

³ This requested amount of income loss is almost equal to Czodor's combined net profit in four years between 2015 and 2018.

manipulating the system to grant him a windfall.

III. GROUNDS FOR APPOINTMENT OF COUNSEL

A. Petitioner Cannot Afford to Retain Private Counsel

Petitioner is financially eligible for court appointed counsel. Luo Decl., ¶3.

B. The Complexity of The Legal Issues Involved Requires Appointment of Counsel

Whenever the United States magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who is seeking relief under section 2241, 2254, or 2255 of title 28. 18 U.S.C. § 3006A(a)(2)(B). See also *Luna v. Kernan*, 784 F.3d 640, 642 (9th Cir. 2015) (noting that given the complexity of the legal issues involved, the interests of justice required appointment of counsel.) Petitioner incorporates the legal issues from ECF 1 with the following:

Enforcement of Void and Unconstitutional Court Orders

The Orange County Superior Court had no power, no authority, no jurisdiction to issue any domestic violence restraining orders against Petitioner.

The Domestic Violence Prevention Act (DVPA) authorizes the issuance of protective orders restraining domestic violence on several categories of persons, including present and former spouses or cohabitants and "[a] person with whom the respondent is having or has had a dating or engagement relationship." (§ 6211, subds. (a), (b) & (c).) The only protected category of persons listed in section 6211 that could possibly trigger the applicability of DVPA in the present case is a person in a present or former "dating relationship." Fam. Code Section 6210 defines "dating relationship" as "frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations." See *Oriola v. Thalerfour* 84 Cal.App.4th 397, 404 (Cal. Ct. App. 2000) (holding that four dates was insufficient to meet the definition of the DVPA.)

When a court lacks jurisdiction in a fundamental sense, an ensuing judgment is

1 void, and “thus vulnerable to direct or collateral attack at any time.” *People v. Medina*,
2 171 Cal. App. 4th 805, 815, 89 Cal. Rptr. 3d 830, 839 (2009), as modified (Mar. 10, 2009).

3 When there is a factual issue regarding the lawfulness of the court order, the trial
4 court must submit the issue to the jury and instruct on the facts that must be proved to
5 establish that the order was lawfully issued. Due to the incompetence of trial counsel,
6 Petitioner lost the opportunity to bring a collateral attack on the validity of the orders as
7 her defense. ECF 4, pp. 118-120.

8 To establish a valid prior restraint under the federal Constitution, a proponent has a
9 heavy burden to show the countervailing interest is compelling, the prior restraint is
10 necessary and would be effective in promoting this interest, and less extreme measures are
11 unavailable. (See *Hobbs v. County of Westchester* (2d Cir. 2005) 397 F.3d 133, 149; see
12 also *Nebraska Press Assn. v. Stuart* (1976) 427 U.S. 539, 562-568 [49 L.Ed.2d 683, 96
13 S.Ct. 2791].) Further, any permissible order “must be couched in the narrowest terms that
14 will accomplish the pinpointed objective permitted by constitutional mandate and the
15 essential needs of the public order. . . .” *Carroll v. Princess Anne* (1968) 393 U.S. 175,
16 183-184 [21 L.Ed.2d 325, 89 S.Ct. 347].

17 Even if an injunction does not impermissibly constitute a prior restraint, the
18 injunction must be sufficiently precise to provide “a person of ordinary intelligence fair
19 notice that his contemplated conduct is forbidden.” *United States v. Harriss* (1954) 347
20 U.S. 612, 617 [98 L.Ed. 989, 74 S.Ct. 808]; see also *People ex rel. Gallo v. Acuna* (1997)
21 14 Cal.4th 1090, 1115 [60 Cal.Rptr.2d 277, 929 P.2d 596].) An injunction is
22 unconstitutionally vague if it does not clearly define the persons protected and the conduct
23 prohibited.

24 The defendant may not be convicted for violating an order that is unconstitutional,
25 and the defendant may bring a collateral attack on the validity of the order as a defense to
26 the charge. *People v. Gonzalez* (1996) 12 Cal.4th 804, 816–818 [50 Cal.Rptr.2d 74, 910
27 P.2d 1366]; *In re Berry* (1968) 68 Cal.2d 137, 147 [65 Cal.Rptr. 273, 436 P.2d 273]. Due
28 to the incompetence of trial counsel, Petitioner lost such opportunity based on First and

1 Fourteenth Amendments violation.

2 Devious and Calculated Strategies Employed by Prosecution

3 On August 15, 2010 Czodor was prosecuted by the same prosecuting agency and
4 convicted for crimes rested upon false representation – advertising as a general contractor
5 while he in fact was not, an act involving dishonesty. ECF 6, p. 195. On August 6, 2019
6 charges were filed against Petitioner. ECF 3, p. 14. Two years after the charges were filed,
7 the prosecution never announced ready. Due to prosecution’s intentional and substantial
8 delay, Petitioner’s trial was brought 10 years after Czodor’s prior criminal conviction.
9 Had Petitioner’s trial was brought by August 14, 2020 Czodor’s prior conviction wouldn’t
10 have been too old to use against him at Petitioner’s trial. ECF 3, p. 7.

11 On July 26, 2021, only one day prior to trial, Count 2 was amended from allegation
12 of coming within 100 yards of the protected person to failure to deactivate website and
13 created new websites. ECF 3, p. 79. The two allegations were completely different in
14 nature. Such calculated strategy, amending the complaint only one day prior to trial, was a
15 devious attempt to deprive Petitioner of her fair opportunity to meaningfully prepare a
16 defense. See ECF 20 (Petitioner was acquitted of the exact same charge in 2023). No
17 criminal defendant, both in American history and worldwide, can prepare any defense in
18 only one day. See *Powell v. Alabama*, 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed. 158 (1932)
19 (holding that appointment of counsel **one day before trial** deprived defendants of Sixth
20 Amendment rights to counsel because **counsel could not possibly have been prepared**
21 **for trial.**)

22 Petitioner Was Convicted for Conduct That She Was Not Charged

23 The trial court gave a jury instruction unrelated to what Petitioner was charged for.
24 ECF 3, p. 159. The instruction was fundamentally incorrect because it referred to a written
25 order that the defendant not contact, send any messages to, follow, or disturb the peace of
26 the protected person, Tomas Czodor, not the websites that Petitioner was charged for. At
27 trial, there was no evidence showing that Petitioner ever contacted, sent any messages to,
28 followed, or disturbed the peace of the protected person, Tomas Czodor in violation of

1 any court order.

2 Petitioner received ineffective assistance of counsel both at trial and on appeal.
3 Petitioner's trial counsel failed to object to the incorrect jury instruction and Petitioner's
4 appellate counsel failed to raise the issue on appeal.

5 **IV. CONCLUSION**

6 In a gross manner, Petitioner's constitutional rights were violated from the very
7 beginning to the end. Petitioner was be put on trial without the aid of counsel in any real
8 sense, and convicted upon incompetent evidence, or evidence irrelevant to the issue or
9 otherwise inadmissible. For the reasons stated above, this case involves various and
10 complex constitutional issues. The interests of justice require this court to appoint
11 competent counsel for Petitioner.

12
13 I declare under penalty of perjury under the laws of the State of California and
14 United States of America that the foregoing is true and correct.

15
16 Dated: April 13, 2023

17 Respectfully submitted.

18
19 /s/ XINGFEI LUO

20 XINGFEI LUO

21 Petitioner in Pro Se
22
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DECLARATION OF XINGFEI LUO

I, XINGFEI LUO, declare and state:

1. I am the petitioner in this petition. I have personal knowledge of all facts stated herein. If called as a witness, I could and would competently testify thereto.

2. On September 28, 2018, Czodor filed a request for DVRO under the penalty of perjury. A true and correct copy of the excerpt is attached hereto as Exhibit 1.

3. I am financially eligible for court appointed counsel. A true and correct copy of my financial affidavit is attached hereto as Exhibit 2.

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed in Rosemead, CA on April 13, 2023.

/s/ XINGFEI LUO

CERTIFICATE OF SERVICE

I declare that I electronically filed the foregoing with the United States District Court, Central District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed on April 13, 2023

/s/ XINGFEI LUO

XINGFEI LUO, In Pro Per

EXHIBIT 1

THIS CASE IS ASSIGNED FOR ALL PURPOSES TO

DV-100

Request for Domestic Violence Restraining Order

COMMISSIONER RENEE E. WILSON DEPT. 111

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

1 Name of Person Asking for Protection:

Tomas Czodor Age: 36

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 2521 N jacaranda

City: Santa Ana State: CA Zip: 92705

Telephone: 714-330-4746 Fax:

E-Mail Address:

2 Name of Person You Want Protection From:

Xingfei Luo

Description of person you want protection from:

Sex: ☐ M ☒ F Height: 5 ft 1 inch Weight: 95 lbs Hair Color: black Eye Color: black

Race: Asian Age: 40 Date of Birth: 12/31/1977

Address (if known): 10628 Hallwood Dr

City: Temple City State: CA Zip: 91780

3 Do you want an order to protect family or household members? ☐ Yes ☒ No

If yes, list them:

Full name	Sex	Age	Lives with you?	Relationship to you
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	
			<input type="checkbox"/> Yes <input type="checkbox"/> No	

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. ☐ We are now married or registered domestic partners.
- b. ☐ We used to be married or registered domestic partners.
- c. ☐ We live together.
- d. ☐ We used to live together.
- e. ☐ We are related by blood, marriage, or adoption (specify relationship):
- f. ☒ We are dating or used to date, or we are or used to be engaged to be married.
- g. ☐ We are the parents together of a child or children under 18:

Child's Name: Date of Birth:

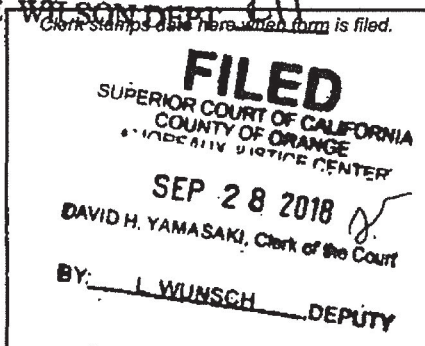
Child's Name: Date of Birth:

Child's Name: Date of Birth:

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Additional Children" for a title.

- h. ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

This is not a Court Order.



Fill in court name and street address:
Superior Court of California, County of
OC SUPERIOR COURT
AMOREAUX JUSTICE CENTER
341 THE CITY DRIVE
ORANGE, CA 92868-3205

Court fills in case number when form is filed.
Case Number:
18V002374



Case Number:

18V002374

5 Other Restraining Orders and Court Cases

a. Are there any restraining/protective orders currently in place OR that have expired in the last six months (emergency protective orders, criminal, juvenile, family)?

☒ No ☐ Yes (date of order): _____ and (expiration date): _____ (Attach a copy if you have one).

b. Have you or any other person named in (3) been involved in another court case with the person in (2)?

☒ No ☐ Yes If yes, check each kind of case and indicate where and when each was filed:

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.

Check the orders you want. ☒

6 ☒ Personal Conduct Orders

I ask the court to order the person in (2) not to do the following things to me or anyone listed in (3):

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements
- b. ☒ Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 ☒ Stay-Away Order

a. I ask the court to order the person in (2) to stay at least 100 yards away from (check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Me | <input type="checkbox"/> My school |
| <input checked="" type="checkbox"/> My home | <input type="checkbox"/> Each person listed in (3) |
| <input checked="" type="checkbox"/> My job or workplace | <input type="checkbox"/> The child(ren)'s school or child care |
| <input checked="" type="checkbox"/> My vehicle | <input checked="" type="checkbox"/> Other (specify): <u>my facebook, my company, online harrasment</u> |

b. If the person listed in (2) is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, or vehicle? ☒ Yes ☐ No (If no, explain): _____

8 ☐ Move-Out Order

(If the person in (2) lives with you and you want that person to stay away from your home, you must ask for this move-out order.)

I ask the court to order the person in (2) to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

This is not a Court Order.

Case Number:

18V002374

9 Guns or Other Firearms or Ammunition

I believe the person in (2) owns or possesses guns, firearms, or ammunition. ☐ Yes ☐ No ☒ I don't know
If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase, or receive a firearm or ammunition. The person will be ordered to sell to, or store with, a licensed gun dealer, or turn in to law enforcement, any guns or firearms that he or she owns or possesses.

10 ☒ Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

11 ☐ Care of Animals

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least _____ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

I ask for the animals to be with me because:

12 ☐ Child Custody and Visitation

a. ☐ I do not have a child custody or visitation order and I want one.

b. ☐ I have a child custody or visitation order and I want it changed.

If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders.

You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 ☐ Child Support (Check all that apply):

a. ☐ I do not have a child support order and I want one.

b. ☐ I have a child support order and I want it changed.

c. ☐ I now receive or have applied for TANF, Welfare, CalWORKS, or Medi-Cal.

If you ask for child support orders, you must fill out and attach form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

14 ☐ Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

15 ☐ Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 ☐ Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

17 ☐ Spousal Support

I am married to or have a registered domestic partnership with the person in (2) and no spousal support order exists. I ask the court to order the person in (2) to pay spousal support. (You must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).

This is not a Court Order.

Case Number:
18V002374

18 ☐ **Rights to Mobile Device and Wireless Phone Account**

a. ☐ **Property control of mobile device and wireless phone account**

I ask the court to give only me temporary use, possession, and control of the following mobile devices:

_____ and the wireless phone account for the

following wireless phone numbers because the account currently belongs to the person in **(2)**:

(including area code): _____ ☐ my number ☐ number of child in my care

(including area code): _____ ☐ my number ☐ number of child in my care

(including area code): _____ ☐ my number ☐ number of child in my care

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Rights to Mobile Device and Wireless Phone Account" for a title.

b. ☐ **Debt Payment**

I ask the court to order the person in **(2)** to make the payments for the wireless phone accounts listed in 18a because:

Name of the wireless service provider is: _____ Amount: \$ _____ Due Date: _____

If you are requesting this order, you must complete, file, and serve Form FL-150, Income and Expense Declaration, before your hearing.

c. ☐ **Transfer of Wireless Phone Account**

I ask the court to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed in 18a to me because the account currently belongs to the person in **(2)**.

If the judge makes this order, you will be financially responsible for these accounts, including monthly service fees and costs of any mobile devices connected to these phone numbers. You may be responsible for other fees.

You must contact the wireless service provider to find out what fees you will be responsible for and whether you are eligible for an account.

19 ☐ **Insurance**

I ask the court to order the person in **(2)** NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of me or the person in **(2)**, or our child(ren), for whom support may be ordered, or both.

20 ☐ **Lawyer's Fees and Costs**

I ask that the person in **(2)** pay some or all of my lawyer's fees and costs.

You must complete, file, and serve form FL-150, Income and Expense Declaration, before your hearing.

21 ☒ **Payments for Costs and Services**

I ask the court to order the person in **(2)** to pay the following:

You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.

Pay to: Tomas Czodor For: door repair Amount: \$ 350

Pay to: _____ For: _____ Amount: \$ _____

22 ☒ **Batterer Intervention Program**

I ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.

23 ☒ **Other Orders**

What other orders are you asking for? 1. To stop cyber (online) bullying and harassment of me and my company "gorgeous painting" 2. to stop contacting my friends and my clients and sending them inappropriate videos, pictures, blogs, websites what she created. 3. To remove content from pages on internet what she or her accomplices created to destroy my online reputation. 4. To stop stalking me cyber or real life

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

This is not a Court Order.



Case Number:
18V002374

(24) ☐ Time for Service (Notice)

The papers must be personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service"?

(25) No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

(26) Court Hearing

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*, for more information.

(27) Describe Abuse

Describe how the person in (2) abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, keep you under surveillance, impersonate (on the Internet, electronically or otherwise), batter, telephone, or contact you; or to disturb your peace; or to destroy your personal property. (For a complete definition, see Fam. Code, §§ 6203, 6320.)

a. Date of most recent abuse: Sep 18, 2018

1. Who was there? Xingfei Luo, Tomas Czodor, Chris Kovacs (my friend), police

2. Describe how the person in (2) abused you or your child(ren):

See also attached documents. This abuse is described under DV-100, Recent Abused.

I have also pictures of these event attached with her at my front door and also video recording of this event

☒ Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in (2) use or threaten to use a gun or any other weapon? ☒ No ☐ Yes (If yes, describe):

4. Describe any injuries:

5. Did the police come? ☐ No ☒ Yes

If yes, did they give you or the person in (2) an Emergency Protective Order? ☐ Yes ☒ No ☐ I don't know
Attach a copy if you have one.

The order protects ☐ you or ☐ the person in (2)

This is not a Court Order.

Case Number:
18V002374

(27) Describe Abuse (continued)

Has the person in (2) abused you (or your child(ren)) other times?

b. Date of abuse: _____

1. Who was there? _____

2. Describe how the person in (2) abused you or your child(ren):

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

3. Did the person in (2) use or threaten to use a gun or any other weapon? ☐ No ☐ Yes (If yes, describe):

4. Describe any injuries: _____

5. Did the police come? ☐ No ☐ Yes

If yes, did they give you or the person in (2) an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know Attach a copy if you have one.

The order protects ☐ you or ☐ the person in (2)

If the person in (2) abused you other times, check here ☐ and use Form DV-101, Description of Abuse or describe any previous abuse on an attached sheet of paper and write "DV-100, Previous Abuse" for a title.

(28) Other Persons to Be Protected

The persons listed in item (3) need an order for protection because (describe): _____

(29) Number of pages attached to this form, if any: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 09/28/18

Tomas Lindqvist
Type or print your name

Date: _____

Lawyer's name, if you have one

[Signature]
Sign your name

Lawyer's signature

This is not a Court Order.

DW 100 - RECENT ABUSE

18V002374

9/18/18

8:00 pm Xingfei Luo aka Olivia (never told me her name and real age, she claimed to be 34) knocked on my door and scratched my door for about 20 minutes and did not stop after I told her to. She claimed she wanted talk and would not leave. I have recording of this I told her to leave multiple time but she did not want to. I called my friend Chris Kovacs to come so I have a witness of this incident. He came over and I went outside of my doors to confront her. My friend suggest to call 911 because she did not want to move and leave. Police came in 45min aprox. and order her to leave otherwise they charge her with trespassing. After she left Police suggested that I will immediatly file restraining order. Also I have on recording confession that she did online what she did and that she posted the videos.

EXHIBIT 2

XINGFEI LUO
PO BOX 4886,
El Monte, CA 91734

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

XINGFEI LUO

PLAINTIFF/PETITIONER,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA

DEFENDANT(S).

CASE NUMBER

8:22-CV-01640-MEMF-KES

**REQUEST TO PROCEED
IN FORMA PAUPERIS WITH
DECLARATION IN SUPPORT**

I, XINGFEI LUO, declare under penalty of perjury, that the foregoing is true and correct; that I am the petitioner/plaintiff in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceedings or to give security therefore and that I am entitled to redress.

I further declare under penalty of perjury that the responses which I have made to the questions and instructions below are true, correct and complete.

1. Are you presently employed? ☒ Yes ☐ No

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer. \$900 Self-employed

b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received. _____

2. Have you received, *within the past twelve months*, any money from any of the following sources?

a. Business, profession or form of self-employment? ☒ Yes ☐ No

b. Rent payments, interest or dividends? ☐ Yes ☒ No

c. Pensions, annuities or life insurance payments? ☐ Yes ☒ No

d. Gifts or inheritances? ☐ Yes ☒ No

e. Any other income (other than listed above)? ☐ Yes ☒ No

f. Loans? ☐ Yes ☒ No

If the answer to any of the above is yes, describe such source of money and state the amount received from each source during the past twelve (12) months: \$7,000

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts, if applicable.) ☒ Yes ☐ No

If the answer is yes, identify each account and separately state the amount of money held in **each** account for each of the *six (6) months prior* to the date of this declaration.

Cash \$53

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☒ Yes ☐ No

If the answer is yes, describe the property and state its approximate value: Toyota Camry \$1,000

5. In what year did you last file an Income Tax return? 2021

Approximately how much income did your last tax return reflect? 13,000

6. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support:

n/a

I understand that a false statement or answer to any question in this declaration will subject me to penalties for perjury. I further understand that perjury is punishable by a term of imprisonment of up to five (5) years and/or a fine of \$250,000 (18 U.S.C. Sections 1621, 3571).

California

State

Los Angeles County

County (or City)

I, XINGFEI LUO, declare under penalty of perjury that the foregoing is true and correct.

4/13/2023

Date

/s/ Xingfei Luo

Plaintiff/Petitioner (Signature)